

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

DR. JUDY WOOD on behalf of the §
UNITED STATES OF AMERICA §

Plaintiff, §

vs. §

SCIENCE APPLICATIONS §
INTERNATIONAL CORP.; APPLIED §
RESEARCH ASSOCIATES, INC.; §
BOEING, NuSTATS; COMPUTER §
AIDED ENGINEERING ASSOCIATES, §
INC.; DATASOURCE, INC.; §
GEOSTAATS, INC.; GILSANZ §
MURRAY STEFICEK LLP; HUGHES §
ASSOCIATES, INC.; AJMAL ABBASI; §
EDUARDO KAUSEL; DAVID PARKS; §
DAVID SHARP; DANIELE VENEZANO; §
JOSEF VAN DYCK; KASPAR WILLIAM; §
ROLF JENSEN & ASSOCIATES, INC.; §
ROSENWASSER/GROSSMAN §
CONSULTING ENGINEERS, P.C.; §
SIMPSON GUMPERTZ & HEGER, INC.; §
S. K. GHOSH ASSOCIATES, INC.; §
SKIDMORE, OWINGS & MERRILL, §
LLP; TENG & ASSOCIATES, INC.; §
UNDERWRITERS LABORATORIES, §
INC.; WISS, JANNEY, ELSTNER §
ASSOCIATES, INC.; AMERICAN §
AIRLINES; SILVERSTEIN PROPERTIES; §
and UNITED AIRLINES, §

Defendants. §

DECLARATION OF JOHN T.
MORIN IN SUPPORT OF
HUGHES ASSOCIATES, INC.’S
MOTION TO DISMISS
PLAINTIFF/RELATOR’S COMPLAINT

Case No. 07CV3314 (GBD)

ECF CASE

JOHN T. MORIN, an attorney licensed to practice and admitted to practice in and before the Courts of the State of New York and the Southern District of New York, declares the following pursuant to 28 U.S.C. §1746:

1. I am a member of the law firm of Wormser, Kiely, Galef & Jacobs LLP, attorneys for the Defendant, Hughes Associates, Inc. (“Hughes”).

2. I submit this Declaration in support of Hughes’ Motion to Dismiss Plaintiff/Relator’s Complaint (i) for Lack of Subject Matter Jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1); for Failure to State a Claim Upon Which Relief can be Granted pursuant to Fed. R. Civ. P. 12(b)(6); and for Failure to Plead Fraud with Particularity pursuant to Fed. R. Civ. P. 9(b); and granting Hughes such other and further relief as this Court may deem just and proper.

3. In support of its Motion, Hughes hereby incorporates, in its entirety, and relies upon the Memorandum of Law of the Defendant, Applied Research Associates, Inc., which is dated January 23, 2008, was filed on January 23, 2008, and is docketed as item number 14 on this Court’s docket for this action (“Applied Research’s Memorandum of Law”).

4. For the sake of clarity and good order, a true copy of Applied Research’s Memorandum of Law is annexed hereto as Exhibit A.

5. In particular, Hughes underscores the facts that: (i) for the reasons outlined in Section II of Applied Research’s Memorandum of Law, this Court lacks subject matter jurisdiction over Relator’s FCA claims; (ii) for the reasons outlined in Section III of Applied Research’s Memorandum of Law, Relator’s Complaint fails to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6); and for the reasons outlined in Section IV of

Applied Research's Memorandum of Law, Relator's Complaint must be dismissed for failure to plead fraud with particularity pursuant to Fed. R. Civ. P. 9(b).

6. In addition, for the reasons outlined in Section V of Applied Research's Memorandum of Law, Relator's claims should be dismissed as frivolous; and, for the reasons outlined in Section VI of Applied Research's Memorandum of Law, attorneys' fees and expenses should be awarded to Hughes pursuant to 31 U.S.C. § 3730(d)(4).

7. Accordingly, Hughes respectfully requests that this Court dismiss the Plaintiff/Relator's Complaint in its entirety and grant Hughes such other and further relief as this Court may deem just and proper, including but not limited to awarding its attorneys' fees and expenses.

Dated: New York, New York
February 6, 2008

/s/ John T. Morin
John T. Morin (JM0390)